

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Re: Application of: **Markus WALTER**  
Serial No.: 10/525,450  
Filed: February 24, 2005 as national phase of International Patent  
Application No. PCT/DE2003/002844, filed August 26, 2003  
For: FUEL CELL WITH A REGULATED OUTPUT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 30, 2005

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Sir:

In response to the Notification of Missing Requirements, dated July 29, 2005, a copy of which is enclosed, please find an English language translation of the application.

Applicant respectfully requests that the requirement to submit an oath or declaration in compliance with 37 C.F.R. §1.497 (a) and (b) be withdrawn. The declaration and power of attorney submitted with the application on February 24, 2005 lists the international filing date of August 26, 2003 and the international application number next to the second checkbox on top of the page. Submitted herewith is a copy of the declaration as submitted on February 24, 2005. Also submitted herewith is a check over \$130.00 covering the processing fee for submitting the translation later than 30 months from the priority date and a first preliminary amendment.

If any fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By 

William C. Gehris, Reg. No. 38,156

09/12/2005 GFREY1 00000137 10525450

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Davidson, Davidson & Kappel, LLC  
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New York, New York 10018  
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Mail Stop: PCT  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

In re application of: **Markus WALTER**  
Application No.: 10/525,450  
Filed: February 24, 2005 as national phase of International Patent Application Serial No. PCT/DE03/02844, filed August 26, 2003  
For: **FUEL CELL WITH REGULATED OUTPUT**

Sir:

Transmitted herewith is a **Response to Notification of Missing Requirements (1 pages)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
FOR:	REMAINING	HIGHEST	PRESENT	RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY						
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	* Minus 20	=	0	x \$ 25	\$		x \$ 50	\$
INDEP. CLAIMS	* Minus 3	=	0	x \$ 100	\$		x \$ 200	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 180	\$		+ \$ 360	\$
TOTAL:				\$		OR	TOTAL:	\$

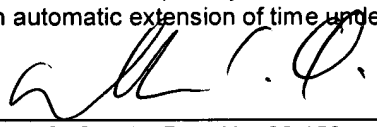
- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136  
☒ Other: **Copy of Notification of Missing Requirements (2 pages); English translation (12 pages), Preliminary Amendment (8 pages), Copy of signed Declaration / PoA as filed Feb. 24, 2005 (1 page)**

- ☒ Check(s) in the amount of **\$130.00** is/are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition fee for extension under 37 C.F.R. 1.136  
☒ Other: **Processing fee for submitting the translation later than 30 months after the priority date**

- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
William C. Gehris, Reg. No. 38,156  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
Tel: (212) 736-1940  
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on August 30, 2005.  
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:

Oliver Platz



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/525,450	FIRST NAMED APPLICANT Markus Walter	ATTY. DOCKET NO. 510.1114
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RECEIVED  
AUG 05 2005  
DAVIDSON, DAVIDSON & KAPPEL

INTERNATIONAL APPLICATION NO. PCT/DE03/02844
IA. FILING DATE 08/26/2003
PRIORITY DATE

CONFIRMATION NO. 3773

371 FORMALITIES LETTER



\*OC000000016647097\*

Date Mailed: 07/29/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/24/2005
- Copy of the International Search Report filed on 02/24/2005
- Copy of IPE Report filed on 02/24/2005
- Copy of Annexes to the IPE filed on 02/24/2005
- Information Disclosure Statements filed on 02/24/2005
- U.S. Basic National Fees filed on 02/24/2005
- Assignment filed on 02/24/2005
- Priority Documents filed on 02/24/2005

IPM 8/11/05  
Translation  
12/28/06 Missing Parts  
(Deadline)  
1/9/29/05 Missing Parts  
Due Date  
8/29/05 Reminder  
WCG/CSK/TPC/OP

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

Additionally the following defects have been observed:

- Annexes have not been entered because No English Translation.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

**PART 2 - OFFICE COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,450	PCT/DE03/02844	510.1114

FORM PCT/DO/EO/905 (371 Formalities Notice)

10/525450

## DECLARATION AND POWER OF ATTORNEY

Docket No.: 510.1114

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: **FUEL CELL WITH A REGULATED OUTPUT**, the specification of which (check one)

☐ is attached hereto

☒ was filed on 26 August 2003 as International Application Serial No. PCT/DE2003/002844 and was amended on (if applicable).

☒ I hereby authorize and request our attorneys, Davidson, Davidson & Kappel, LLC of 485 Seventh Avenue, New York, New York 10018 to insert here in parentheses (application number \_\_\_\_\_) the filing date and application number of said application when known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information that is known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign and/or provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign and/or provisional application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

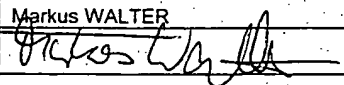
DE 102 40 247.7	GERMANY	31 August 2002	Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	Day/Month/Year Filed	
			Priority claimed <input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	Day/Month/Year Filed	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Day/Month/Year Filed	Status
Application Serial Number	Day/Month/Year Filed	Status

And I hereby appoint Clifford M. Davidson, Reg. No. 32,728, Leslye B. Davidson, Reg. No. 38,854, Cary S. Kappel, Reg. No. 36,561, William C. Gehris, Reg. No. 38,156, Morey B. Wildes, Reg. No. 36,968, Robert J. Paradiso, Reg. No. 41,240, Erik R. Swanson, Reg. No. 40,833, Thomas P. Canty, Reg. No. 44,586, and all other registered attorneys and agents at Davidson, Davidson & Kappel, LLC, U.S. Patent and Trademark Office Customer Number 23280, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith; correspondence address: DAVIDSON, DAVIDSON & KAPPEL, LLC, 485 Seventh Avenue, 14th Floor, New York, New York 10018; Telephone: (212) 736-1940; Fax: (212) 736-2427.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Markus WALTER	Full name of additional inventor	
Inventor's signature		Inventor's signature	
Date	2.11.04	Date	
Residence	Dettingen, Germany	Residence	
Post Office Address	Kaisersrain 8, 72581 Dettingen, Germany	Post Office Address	
Citizenship	German	Citizenship	

☐ Additional inventors named on attached sheet(s).

Page 1 of 1

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